

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SECRETARY OF LABOR	:	JUDGE ANN ALDRICH
U.S. DEPARTMENT OF LABOR	:	JUDGE NANCY VECCHIARELLI
	:	
Plaintiff,	:	
	:	
vs.	:	Case No. 1:07 CV 135
	:	
	:	
ABDUL K. MUHAMMAD, et. al.,	:	
	:	
Defendants.	:	

STIPULATION

It is hereby stipulated by and between the Plaintiff, Secretary of Labor and Defendants Abdul K. Muhammad, A.K.M. Childcare Centers, Inc. and NIA Childcare Enterprise, Inc., that these three Defendants, represented by counsel, have been served a copy of the Complaint filed herein, have answered the Complaint and, without admitting the allegations set forth therein and without further pleadings, agree to the entry of a final judgment in the form presented to the Court, granting the relief prayed for in the said Complaint.

Dated: November 7, 2007.

s/Shannon Patton
COUNSEL FOR DEFENDANTS
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(216) 696-7600

s/Maureen M. Cafferkey
COUNSEL FOR PLAINTIFF
MAUREEN M. CAFFERKEY(0031165)
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Cleveland, Ohio 44199
(216) 522-3872

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U.S. DEPARTMENT OF LABOR	:	JUDGE NANCY VECCHIARELLI
Plaintiff,	:	
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	:	Case No. 1:07 CV 135
ABDUL K. MUHAMMAD, et. al.,	:	
	:	
Defendants.	:	

**JUDGMENT AS TO DEFENDANTS ABDUL MUHAMMAD, A.K.M.
CHILDCARE CENTERS, INC. AND NIA CHILDCARE ENTERPRISE, INC.**

This case arises under the Fair Labor Standards Act, “FLSA,” (29 U.S.C. Section 201, *et. seq.*) and was brought by the Plaintiff, Secretary of Labor, to recover unpaid civil money penalties assessed against Defendants under the provisions of Section 16(e) of the FLSA. The Plaintiff and Defendants Abdul Muhammad, A.K.M. Childcare Centers, Inc. and NIA Childcare Enterprise, Inc., have agreed to the following consent findings:

By notice dated March 20, 2006, pursuant to Section 16(e) of the FLSA (29 U.S.C. 216(e)) and in accordance with 29 C.F.R. Part 579, a civil money penalty in the amount of \$35,200.00 was assessed by Plaintiff against Defendants as a result of violations of Sections 6 and 7 of the FLSA and regulations issued thereunder (29 C.F.R. Part 578). Defendants received notification of this penalty on or about March 26, 2006. Defendants did not file an exception to this notice of violation and assessment of civil

money penalty within 15 days of receipt, a required by the FLSA, so the penalty became final (29 C.F.R. 580.5).

By notice dated March 20, 2006, pursuant to Section 16(e) of the FLSA (29 U.S.C. 216(e)) and in accordance with 29 C.F.R. Part 579, a civil money penalty in the amount of \$14,300.00 was assessed by Plaintiff against Defendants as a result of violations of Sections 6 and 7 of the FLSA and regulations issued thereunder (29 C.F.R. Part 578). Defendants received notification of this penalty on or about March 22, 2006. Defendants did not file an exception to this notice of violation and assessment of civil money penalty within 15 days of receipt, a required by the FLSA, so the penalty became final (29 C.F.R. 580.5).

On January 17, 2007, Plaintiff filed her Complaint to collect the civil money penalty. On March 26, 2007 Defendants Abdul Muhammad, A.K.M. Childcare Centers, Inc. and NIA Childcare Enterprise, Inc. answered the Complaint. Plaintiff and Defendants Abdul Muhammad, A.K.M. Childcare Centers, Inc. and NIA Childcare Enterprise, Inc. have reached an agreement concerning the civil money penalties and, without further pleadings, these parties have agreed to the entry of this Judgment in accordance with the Stipulation between them filed herein. It is therefore, upon motion of the attorney for Plaintiff, and for cause shown:

ORDERED, ADJUDGED AND DECREED that Defendants, Abdul Muhammad, A.K.M. Childcare Centers, Inc. and NIA Childcare Enterprise, Inc. shall pay the U.S. Department of Labor, Wage and Hour Division, \$20,000.00 in civil money

penalties plus 4 % interest. The penalty shall be paid in the following manner:

\$5,000.00 on or before November 15, 2007

\$2,500.00 on or before November 30, 2007

\$2,500.00 on or before December 30, 2007

\$2,500.00 on or before January 30, 2008

\$2,500.00 on or before February 29, 2008

\$2,500.00 on or before March 30, 2008

\$2,500.00 on or before April 30, 2008

and interest shall accrue on these payments beginning November 15, 2007.

Penalty checks shall be made payable to “Wage and Hour - Labor” and shall be sent to:

Employment Standards Administration
Wage and Hour Division
U.S. Department of Labor
1240 East Ninth Street, Room 817
Cleveland, Ohio 44199-20545

It is further, **ORDERED, ADJUDGED and DECREED** that should Defendants Abdul Muhammad, A.K.M. Childcare Centers, Inc. and NIA Childcare Enterprise, Inc. fail to pay any of the installments, the entire amount of penalty shall be immediately due and payable without further notice or demand by the Department of Labor (DOL) to Defendants. Furthermore, Defendants shall pay any and all costs and expenses incurred by the DOL in enforcing the terms and conditions of this Judgment. Any defaulted balance shall be subject to the assessment of interest and penalty interest at rates determined by the U.S Treasury as required by the Debt Collection Improvement Act of 1996 (Public Law 104-134) published by the Secretary of the Treasury in the Federal

Register and other delinquent charges and administrative costs shall also be assessed. In the event of default, the DOL may pursue enforcement of this agreement and/or any additional collection action that may include, but is not limited to administrative offset, referral of the account to credit reporting agencies, private collection agencies, and /or the Department of Justice. DOL may execute on this Judgment.

Further, it is **ORDERED** that each party pay his, her or its own attorneys' fees, costs and other expenses incurred by such party in connection with any stage of this proceeding to date including, but not limited to, attorneys' fees which may be available under the Equal Access to Justice Act, as amended.

Moreover, the Court shall maintain jurisdiction over this matter only for purposes of enforcing this Judgment and nothing in this Judgment is binding on any government agency other than the U.S. Department of Labor.

s/Ann Aldrich (11-16-07)

JUDGE ANN ALDRICH

Entry of this Judgment is hereby consented to and notice by the Clerk to the Defendants is hereby waived:

s/Shannon Patton
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s/Maureen M. Cafferkey
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